

CS 0030-06
VAR

Burgess, Allen
1158

MSA.S. 1829-5737

Comments 11/30/06

KJ

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

**STATE OF MARYLAND
CRITICAL AREA COMMISSION
CHESAPEAKE AND ATLANTIC COASTAL BAYS**

1804 West Street, Suite 100, Annapolis, Maryland 21401
(410) 260-3460 Fax: (410) 974-5338
www.dnr.state.md.us/criticalarea/

January 30, 2006

Ms. Aimee Dailey
Charles County Department of Planning
And Growth Management
PO Box 2150
La Plata, Maryland 20646

Re: Docket #1158-Burgess Family Trust

Dear Ms. Dailey:

Thank you for providing information on the above referenced after-the-fact variance. The applicant is requesting a variance from the 100-foot Buffer and mitigation requirements in order to permit the continuation of shore erosion control measures, as well as legalize the grading of the Buffer. The property lies within a Limited Development Area (LDA) and a Resource Conservation Area (RCA) and is currently developed.

As the requested variance is after-the-fact, it appears that the applicant has previously graded approximately 42,000 square feet of the Buffer in order to accommodate the installation of shore erosion control measures and maintain a continuous slope throughout the Buffer, averaging 20% or less. While we note that shore erosion control is generally permitted, as well as encouraged within the Critical Area, the applicant bears the responsibility to ensure that the proposal is the minimum necessary required to stabilize the shoreline and prevent future erosion as a result of wave action. The proposed measures must also be consistent with the shore erosion control provisions and standards detailed within the County's zoning ordinance and Critical Area Program. Based on our evaluation of the information provided, it is our position that the amount of Buffer grading conducted by the applicant is excessive, beyond the scope necessary for effective erosion control, and generally not permitted.

Given the after-the-fact nature of the request, we are not requesting that the shore erosion control measures be removed, nor that the original grade be restored to the Buffer. However, we note that the applicant took actions without the proper County permits. These actions are largely outside of the scope of acceptable shore erosion control measures. As a result of the scale of the violation, and the injurious nature of the grading to the Buffer, we are strongly opposed to the applicant's request for relief from the mitigation requirements. The County's Zoning Ordinance clearly outlines the penalties for violations within the Critical Area (297-135). These requirements specifically state that the area disturbed shall be restored and additional required remediation shall include the planting of natural forest vegetation in the amount of three times the area disturbed. To provide a variance to this requirement would result in an outcome in direct conflict with the

general intent spirit of the Critical Area Law, as well as compromise the intent of the County's Zoning ordinance.

As you aware, in 2002 and 2004, the Maryland General Assembly strengthened the Critical Area Law, and reiterated its commitment to protection of the Chesapeake Bay Critical Area's water quality and wildlife habitat values. In particular, the General Assembly reaffirmed the importance of the 100-foot Buffer, recognizing it as a particularly sensitive and important resource, vital to the protection of the quality of the Chesapeake Bay. The County's Critical Area Law and Criteria are intended to assure that the integrity of the Buffer is not compromised by the individual and cumulative impacts of development within the County. The applicant's grading proposal lies in direct contrast to the goals of the General Assembly and the goals of the Buffer. In opposing the mitigation variance, I have addressed each of the standards as it pertains to this case:

1. *That special conditions or circumstances exist that are peculiar to the land or structure within the jurisdiction's Critical Area program that would result in an unwarranted hardship to the applicant.* As indicated, we are not opposing the applicant's variance to maintain the shore erosion control measures already in place or to maintain the existing grade within the Buffer. However, as the County's zoning ordinance clearly outlines the requirements for rectifying Critical Area violations, as well as clearly outlines the requirements and prohibitions associated with the 100-foot Buffer, the applicant would not be subject to an unwarranted hardship simply by virtue of enforcement of the ordinance.
2. *That a literal interpretation of this subtitle or the local Critical Area Program and related ordinances will deprive the applicant of rights commonly enjoyed by other properties in similar areas within the Critical area of the local jurisdiction.* This office would not support similar variance requests to grade 42,000 square feet of Buffer. In addition, this office would not support similar variance requests to waive the mitigation requirements for a violation, particularly where the action is excessively beyond the scope of what may have been permitted.
3. *The granting of a variance will not confer upon an applicant any special privilege that would be denied by this subtitle or the local Critical Area program to other lands or structures within the jurisdiction's Critical Area.* If the variance is granted, it would confer upon the applicant a special privilege that would be denied to others in this area, as well as in similar situations in the County's Critical Area.
4. *The variance request is not based upon conditions or circumstances which are the result of the actions by the applicant, nor does the request arise from any condition conforming, on any neighboring property.* In contrast, the need for a variance to the mitigation requirements is directly related to the applicant's actions without the proper County permits. We note that the applicant has obtained the required permits from the Maryland Department of the Environment (MDE) and the Army Corps of Engineers (ACOE). However, this does not negate the need for compliance with the County permitting process and State Critical Area Law.
5. *The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the jurisdiction's Critical Area, and that the granting of the variance will be in harmony with the general spirit and intent of the Critical Area law and the regulations.* In contrast, the granting of this variance is not in harmony with the general spirit and intent of the Critical Area law and

Aimee Dailey
Docket #1158
January 30, 2006

regulations. This office would have strongly opposed the grading of the Buffer as proposed, and significant potential exists that adverse impacts have occurred to fish, wildlife, and plant habitat as a result of the grading. However, in light of the after-the-fact nature, the appropriate remedy for a Critical Area violation is clearly outlined within the County's ordinance and should be complied with. Restoration of vegetative cover within the Buffer is of utmost important in this case and should be considered a priority when planting.

In conclusion, it is our position that, unless the Board finds, by competent and substantial evidence, that the applicant has met the burden of proof to overcome the presumption of non-conformance, and the burden to prove that the applicant has met each one of the County's variance standards, the Board must deny the applicant's request for a variance to the mitigation requirement. We recommend that the applicant be required to submit a detailed planting plan demonstrating mitigation for the 42,000 square feet of disturbance at a 3:1 ratio (126,000 square feet or 2.89 acres). This mitigation should be located within the Buffer as a first priority and should be composed of species native to Charles County. In addition, this requirement should be included as a condition of the variance request.

Thank you for the opportunity to provide comments for this variance request. If you have any questions or concerns, please feel free to contact me at 410-260-3482. As always, please provide the Commission with a copy of the written decision made in this case.

Sincerely,



Kerrie L. Gallo
Natural Resource Planner
CA 30-06

Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor



Martin G. Madden
Chairman

Ren Serey
Executive Director

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October 13, 2005

Ms. Aimee Daily
Charles County Department of Planning
And Growth Management
P O Box 2150
La Plata, Maryland 20646

Re: Burgess Buffer Management Plan
Shore Erosion Control

Dear Ms. Daily:

Thank you for providing information on the above referenced Buffer management plan. The applicant is requesting an after-the-fact permit to install multiple shore erosion control structures, including a proposal to grade a significant portion of the Buffer. The property lies partially within a Resource Conservation Area (RCA), partially within a Limited Development Area (LDA) and is currently developed.

While shore erosion control protective measures are generally permitted and promoted as a means to prevent sediment from entering the Bay, these measures must be constructed in a manner that is the minimum necessary, as well as, the most practical and effective means to stabilize the shoreline. These measures shall also be constructed with consideration to the ability of the measures to simultaneously provide for conservation of fish, wildlife, and plant habitat. As you are aware, the 100-foot Buffer is a Habitat Protection Area (HPA) within the County's Critical Area. As a component of the applicant's proposal, significant grading of the Buffer, and in some areas, grading beyond the Buffer, is proposed. Based on the guidelines found within the County's Critical Area Program and Zoning Ordinance, as well as in the State Law and Criteria, it is the Commission's position that the amount of Buffer grading proposed exceeds the scope of work necessary to provide adequate shoreline protection. As a result, the proposed activity will require a variance. As with all variances, the applicant will be required to meet all the variance standards, including the standard of unwarranted hardship.

Please note that I am including a copy of documentation from October of 2003, in which a similar proposal was discussed on-site with representatives of the Maryland Department of the Environment (MDE) and Charles County. As stated in the 2003 letter, it was then the Commission's position then that such a degree of grading to the Buffer would be inconsistent with the County's Critical Area shore erosion control provisions and Buffer protection measures,

Robert L. Ehrlich, Jr.
Governor



Michael S. Steele
Lt. Governor

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October 15, 2003

RECEIVED

OCT 21 2003

TIDAL WETLANDS DIVISION
WATER MANAGEMENT ADMIN., MDE

Mr. Robert V. Tabisz
Wetlands and Waterway Program
Maryland Department of the Environment
1800 Washington Blvd., # 430
Baltimore, MD 21230-1708

Re: 04-WL-0030 Burgess Family Trust Shore Erosion Control Project:
Jersey Wall Bulkhead in Potomac River

Dear Bob,

I am providing these comments as follow up to our discussion with Kevin Vienneau at the October 10th Charles County Interagency meeting. Kevin had visited this site and found that there is a high, steep bluff located landward of the proposed structure, as well as landward of mean high water. Portions of the project area are also characterized by a stable beach. The proposed project consists of the placement and backfilling of a Jersey barrier wall to serve as a bulkhead.

There is a similar structure located adjacent to the proposed project area, and the bank behind it has been terraced. Kevin, as am I, is concerned that the applicant will, understandably, want both project areas to look the same by grading the undisturbed bluff into terraces and using the earth for backfill. Such an activity would cause disturbance to the 100-foot Buffer above and beyond the scope of work necessary to provide adequate shoreline erosion protection. Any grading of the Buffer would require a variance and would be required to meet all the variance standards, including hardship. The bank did not appear unstable to Kevin; safety issues would be ruled out as justification for project need. We would greatly appreciate your assistance in determining the applicant's intended source of backfill, and to advise him of the Critical Area concerns regarding grading of banks.

Kevin also observed that the existing beach appeared to be in a stable condition, that erosion of the bank and terraces most likely occurs during storm surges where water hits the existing wall and is forced over and behind it. Given that scenario, it would seem that the existing wall does

TTY For the Deaf

P. 3/4

SEP 21 05 06:36AM WETLANDS/WATERWAYS, 410 260 3460
Annapolis: (410) 260-3460

not serve its intended purpose. Perhaps an off-shore breakwater would be a more suitable approach to dissipating wave energy at this site while preserving the integrity of the beach environment.

Thank you for your efforts in this matter. Please contact me at 410-260-3481 if you wish to discuss this project further.

Sincerely,



Wanda Diane Cole
Natural Resources Planner

cc: Kevin D. Vienneau

CHARLES COUNTY GOVERNMENT

Planning and Growth Management

ROY E. HANCOCK, *Director*

October 2, 2003



Mr. Robert V. Tabisz
Wetlands and Waterways Program
Maryland Department of the Environment
1800 Washington Blvd., Ste. 430
Baltimore, MD 21230-1708

RECEIVED

OCT 03 2003

TIDAL ..
WATER MANAGEMENT ADMIN., MDE

Re: Burgess, Erosion Control Permit Application #200365116

Dear Mr. Tabisz:

The Planning Division performed a field inspection along the intertidal area adjacent to the Burgess property, pursuant to our earlier discussion, on September 29, 2003. We offer our findings and comments in response to the current public notice.

We understand that Mr. Burgess refers to his existing Jersey Barrier seawall, to support his current application for structural erosion control immediately southwest. Therefore, our inspection focused on the existing wall, and the condition of the affected Critical Area Buffer lying immediately landward. The existing wall, located immediately offshore of the apparent line of mean high water, is generally in a stable condition. However, the need for maintenance is evident. The proposed project area to the southwest consists of a beach and bluff.

The existing barriers are currently offset from one-another, by approximately three to four inches. Significant erosion and subsidence is evident in the areas behind the wall where the barriers abut. The Critical Area Buffer lying behind the wall is in a flat mowed condition about thirty feet in width, with three terraces four to five feet in height located landward. The face of the lowest terrace is severely eroded. Several large willows have uprooted and fallen, likely as a result of high water and wind associated with Isabel. The beach to the southwest appears to function well as natural erosion control.

Based on the current condition of the existing wall and Buffer, and of the beach and bluff to the southwest, we would not recommend jersey barriers to be suitable for the intended use, nor would we recommend that any activity result in a significant and avoidable adverse impact to the existing beach to the southwest. The proposed activity, if the Buffer is subject to any disturbance, will require a Buffer Management Plan to be submitted to the Charles County Planning Division, and a Grading Permit may be required depending on the extent of proposed fill or grading. A copy of our Buffer Management Plan form is attached.

Please feel free to contact me at your convenience, if you have questions, at 301-645-0540.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin D. Vienneau".

Kevin D. Vienneau
Planner III

Attachment

cc: Critical Area Commission c/o Wanda Cole; Critical Area File; Leading Life
Post Office Box 2150 - La Plata, Maryland 20646

Administration: (301) 645-0627 Development & Capital Services: (301) 645-0618 / (301) 645-0621 / (301) 870-3937

Permits: (301) 645-0692 / (301) 870-3935 • Planning: (301) 645-0689 / (301) 645-0540 / (301) 870-3896

TDD Transfer Number for the Hearing Impaired: 1-800-735-2258

EQUAL OPPORTUNITY COUNTY

VARIANCE REQUEST

Request:

The applicant, Mr. Allen Burgess, owner and representative of the Burgess Family Trust are requesting a variance to the Charles County Zoning Ordinance, specifically of the Charles County Critical Area program Section 297-131 and Section 297-135.A, for Shore Line Restoration Project located within the Chesapeake Bay Critical Area (CBCA) buffer.

Background and Justification:

The property is located at 5025, 5035 & 5045 Burgess Farm Road, Nanjemoy, Maryland, Tax Map 78, Grid 5, Parcels 4-7 inclusive, containing approximately 39 acres of land.

Approximately 12 acres of the property is located outside and 19.2 acres are within the Chesapeake Bay Critical Area (CBCA), adopted in 1997. The subject property was created, circa 1950, predating the State Critical Area laws. As indicated below, the applicant is requesting a variance for grading within the buffer in order to restore and provide protection of the shore line due to damage caused by the hurricane Isabel. Otherwise, the proposed project complies with the intent of the Charles County Zoning Ordinance, as outlined herein.

Variance Application

- I. The Board of Appeals is authorized to grant variances under Article XIX, Section 416, of the Zoning Ordinance. Accordingly:

Section 416(b): The Board is authorized to grant variances from the strict application of these regulations when, by reason of exceptional narrowness, shallowness, or shape of specific parcels of property or by reason of exceptional topographical conditions or other extraordinary situations or conditions of specific parcels of property, the strict application of the regulations of this Ordinance would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of said property. However, the Board of Appeals will not grant variances that will substantially impair the intent, purpose, and integrity of this Ordinance. This provision will not be construed to permit the Board, under the guise of a variance, to change the permitted land use.

Special conditions do exist on this property and strict application of the Zoning Ordinance would result in unusual practical difficulties to the property owner, with respect to achieving full compliance with the Critical Area Buffer requirements. There are no reasonable alternatives for the grading of the Buffer. The owner has received proper permits for the Army Corps of Engineers (#03-65116-19) and the State of Maryland Wetland Administration (License #04-0030) to perform the construction for the shoreline protection and restoration . . .

Section 416(c): In addition to those general findings required in subsection (b) above, variance requests will not be granted unless the following criteria are met, per subsection (c) of the Ordinance:

- (i) That special conditions or circumstances exist that are unique to the subject property or structure and that a strict enforcement of the provisions of this Ordinance would result in unwarranted

hardship which is not generally shared by owners of property in the same land use classification.

The property was created circa 1950. The original lot subdivision at the time was consistent with the regulations, and the intended use. Today, of course, the lot does not meet the standards for either convenience or necessity for full compliance to the criteria. Ordinances are required to Recognizing the sensitivity promulgated by the Critical area regulations. The applicant has proposed the minimal grading to restore the property to the water's edge.

The applicant recognizes that, with the desire to restore the shoreline, there is certain obligations that are expected, due to the location in the Chesapeake Bay Critical Area Buffer. Protection measures are currently provided for sediment control.

(ii) That strict enforcement of the provisions of this Ordinance would deprive the property owner rights commonly shared by other owners of property in the area.

The denial for the applicant to restore the shoreline would deprive the property owner of the same rights shared by other owners in the area that have constructed shoreline protection devices due to hurricane Isabel.

(iii) That the granting of a variance will not confer upon an applicant any special privilege that would be denied to other owners of like property and/or structures within the same zone/land use classification.

The granting of this variance will not confer special privileges upon the applicant. The applicant will be constructing some shoreline protection devices and has received permits for his project. In our opinion impacts have been minimized, and that the same considerations would be given to any other applicant with similar circumstances, such as this.

(iv) That the variance is not based upon conditions or circumstances which are self-created or self-imposed.

There are no self-imposed or self-created conditions as the CBCA provisions are being complying within so far as possible. The project plans to only restore damage caused by hurricane Isabel at great expense to the property owners.

(v) That greater profitability or lack of knowledge of the restrictions will not be considered as sufficient justification for a variance.

There is no greater profitability or lack of knowledge of the restrictions as a justification for a variance. In fact, prior to proceeding with the applicant explored many alternatives and options available to them requested and received permits for the Army Corp. of Engineers and the State of Maryland.

(vi) That the proposed variance is consistent with the Charles County Comprehensive Plan.

This variance will comply with the spirit, intent and purpose of the Comprehensive Plan.

II. In addition to the criteria above, there are special provisions in the granting of Variances within the Critical Area zone, as indicated in Section 416 (k), of the Ordinance.

1. That the Granting of this variance will not adversely affect water quality, adversely impact fish, wildlife, or plant habitat within the Critical Area Zones, and that the granting of the variance will be consistent with the spirit and intent of the County's Critical Area Program and associated ordinances as well as State laws and regulations adopted under Subtitle 18 of the Natural Resources Article and COMAR 14.15.

The granting of the variance is consistent with the spirit and intent of the County's Critical Area law. Restoring and protecting the shoreline will aid in complimenting existing habitat protection within the Critical Area, improve water quality and plant habitats. Minimal disturbances to the site are anticipated, the existing roadway used for access. It should be noted that the property has an existing bulkhead, and shoreline erosion protection.

2. That the granting of a variance to the yard and/or Buffer requirements results in new structures or impervious surfaces being located as far back from the mean high water, tidal wetlands, or tributary streams in the Critical Area as is feasible.

In our opinion the disturbances within the CBCA Buffer have been minimized. This request does include any new dwellings or imperious surfaces. Sediment control measures have been incorporated into the plans and construction practices.

3. The reasons set forth in this application justify the variance. As indicated, the variance is the minimum variance that will make possible the reasonable use of the land.
4. That the applicant takes steps to mitigate impacts insofar as possible, including:

- a. Reforestation on the site to offset disturbed forested or developed woodlands on at least an equal area basis:

Reforestation will be provided at a three to one (3:1) ratio for removal of any trees required for construction.

- b. Afforestation of areas of the site so that at least 15 percent of the gross site is forested: and,

The site currently exceeds the 15% minimum.

- c. Implementation of any mitigation measures which relate to Habitat Protection Areas as delineated in the Charles County Critical Area Program and as required by State and/or County agencies.

The applicant has taken steps to mitigate and reduce impacts, insofar as possible,

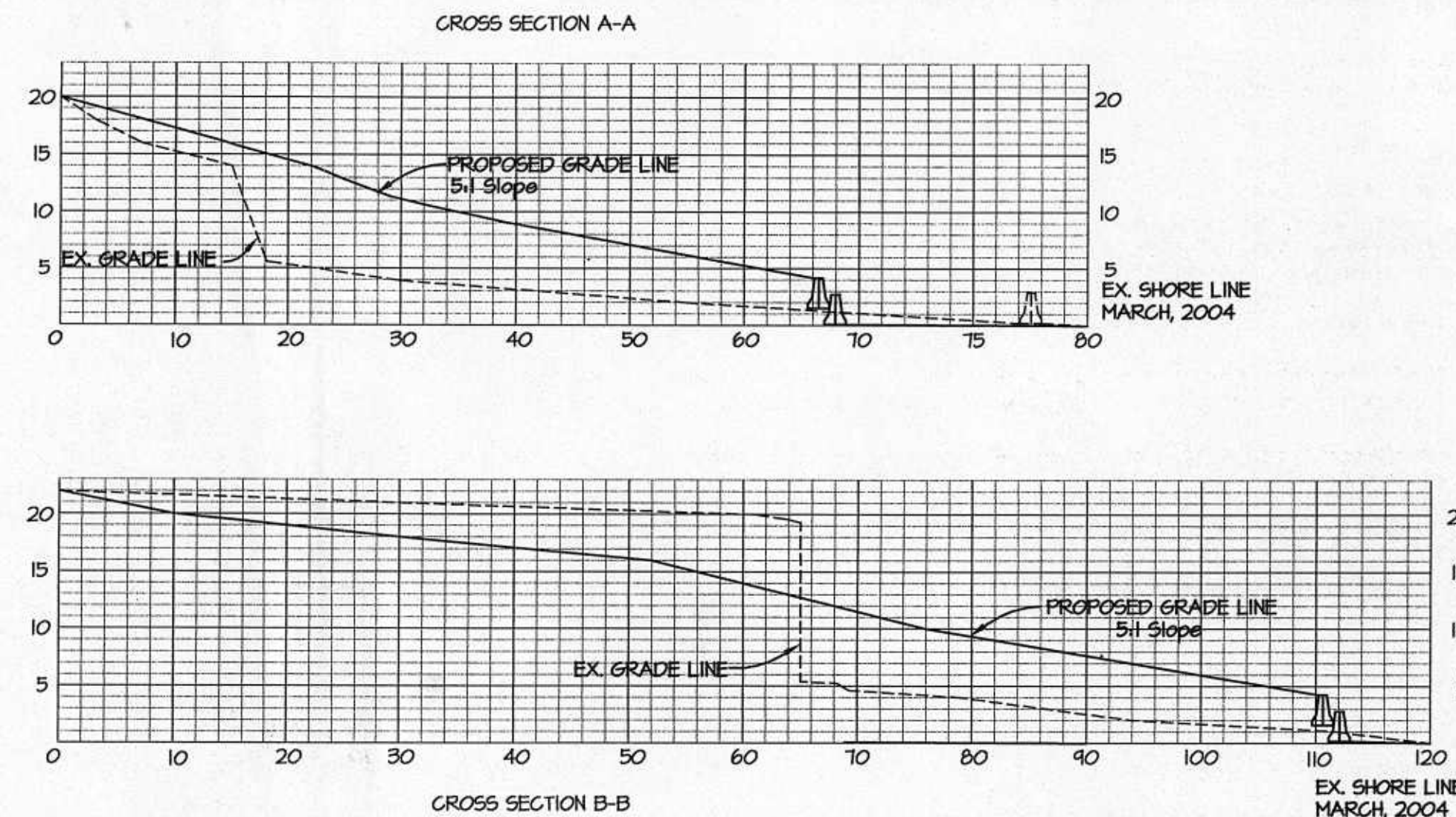
4. That the Granting of this variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not result in a use prohibited in the zone in which the property subject to the variance is located and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

The construction of the shoreline protection measures will not be injurious to the neighborhood, or otherwise detrimental to the public welfare. Community.

5. In addition and to the extent possible based on best available information, all property owners immediately contiguous to the application will be notified by certified mail and furnished of said application by the zoning officer.

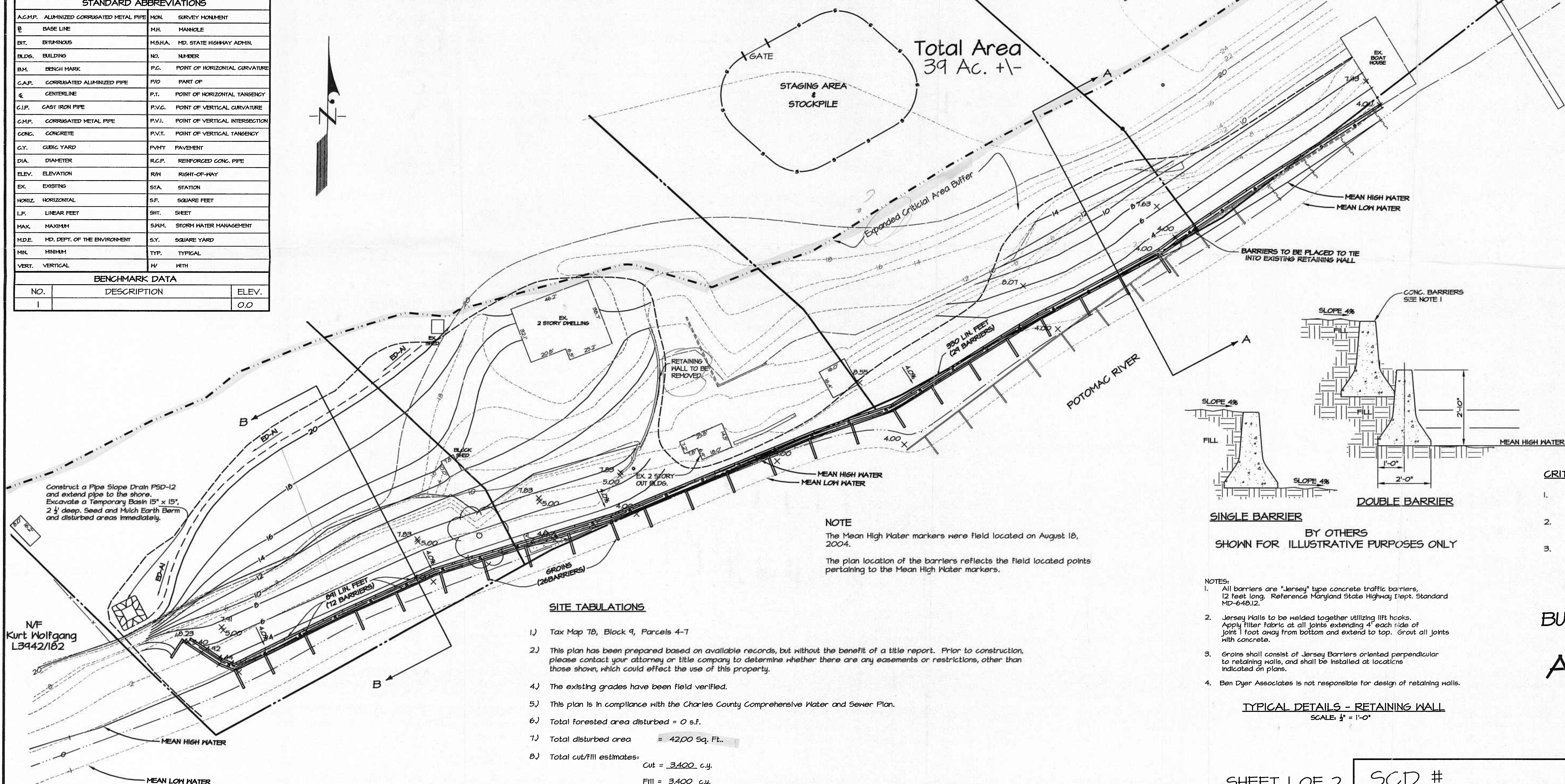
A list of adjacent property owners has been provided within this report. At such time a hearing date has been set, notices will be sent to adjoining property owners via certified mail.

1. Remove debris from shoreline, and tree stumps, dispose off site in an approved Land Fill site. Install sediment control devices around stockpile area.
2. Place barrier, weld and grout as required.
3. Back fill barrier, grade area as required to provide fill, stockpile topsoil for spreading for the anticipation of grading.
4. Grade areas of slope failure, key in fill material within the failure area, complete all remaining grading.
5. Spread topsoil fertilizer, stabilize, seed or mulch as specified.



STANDARD ABBREVIATIONS	
A.C.M.P. ALUMINIZED CORRUGATED METAL PIPE	M.O.N. SURVEY MONUMENT
B. BASE LINE	N.H. MANHOLE
B.T. BITUMINOUS	M.S.H.A. MD. STATE HIGHWAY ADMIN.
B.L.D.G. BUILDING	N.O. NUMBER
B.M. BENCH MARK	P.G. POINT OF HORIZONTAL CURVATURE
C.A.P. CORRUGATED ALUMINIZED PIPE	P.I.D. PART OF
C.E. CENTERLINE	P.I.T. POINT OF VERTICAL TANGENCY
C.J.P. CAST IRON PIPE	P.V.C. POINT OF VERTICAL CURVATURE
C.M.P. CORRUGATED METAL PIPE	P.V.I. POINT OF VERTICAL INTERSECTION
C.O.N.G. CONCRETE	P.V.T. POINT OF VERTICAL TANGENCY
G.Y. CUBIC YARD	P.V.M.T PAVEMENT
DIA. DIAMETER	R.C.P. REINFORCED CONC. PIPE
ELEV. ELEVATION	R/N RIGHT-OF-WAY
EX. EXISTING	S/A STATION
HORIZ. HORIZONTAL	S.F. SQUARE FEET
L.I. LINEAR FEET	S.H. SHEET
MAX. MAXIMUM	S.W. STORM WATER MANAGEMENT
M.D.E. MD. DEPT. OF THE ENVIRONMENT	S.Y. SQUARE YARD
M.N. MINIMUM	TYP. TYPICAL
VERT. VERTICAL	W/ WITH

BENCHMARK DATA		
No.	DESCRIPTION	ELEV.



NOTE
The Mean High Water markers were field located on August 18, 2004.
The plan location of the barriers reflects the field located points pertaining to the Mean High Water markers.

- 1.) Tax Map TB, Block 9, Parcels 4-7
- 2.) This plan has been prepared based on available records, but without the benefit of a title report. Prior to construction please contact your attorney or title company to determine whether there are any easements or restrictions, other than those shown, which could effect the use of this property.
- 4.) The existing grades have been field verified.
- 5.) This plan is in compliance with the Charles County Comprehensive Water and Sewer Plan.
- 6.) Total forested area disturbed = 0 sf.
- 7.) Total disturbed area = 42,000 Sq. Ft.
- 8.) Total cut/fill estimates:
Cut = 3,400 c.y.
Fill = 3,400 c.y.

SINGLE BARRIER

BY OTHERS

SHOWN FOR ILLUSTRATIVE PURPOSES ONLY

NOTES:

1. All barriers are "Jersey" type concrete traffic barriers, 12 feet long. Reference Maryland State Highway Dept. Standard 10-6-69.12.
2. Jersey Walls to be welded together utilizing lift hooks. Apply filter fabric at all joints extending 4' each side of joint 1 foot away from bottom and extend to top. Grout all joints with concrete.
3. Grotes shall consist of Jersey Barriers oriented perpendicular to retaining walls, and shall be installed at locations indicated on plans.
4. Ben Dyer Associates is not responsible for design of retaining walls.

TYPICAL DETAILS - RETAINING WALL
SCALE: $\frac{1}{4}" = 1'-0"$

SHEET 1 OF 2 | SCD #

EXISTING

PROPOSED

PROPERTY LINE

BUILDING RESTRICTION LINE

2' CONTOUR

10' CONTOUR

TREELINE

100' CRITICAL AREA BUFFER

DRIVEWAY

SEPTIC RECOVERY AREA

SILT FENCE

BENCH MARK

LIMIT OF DISTURBANCE

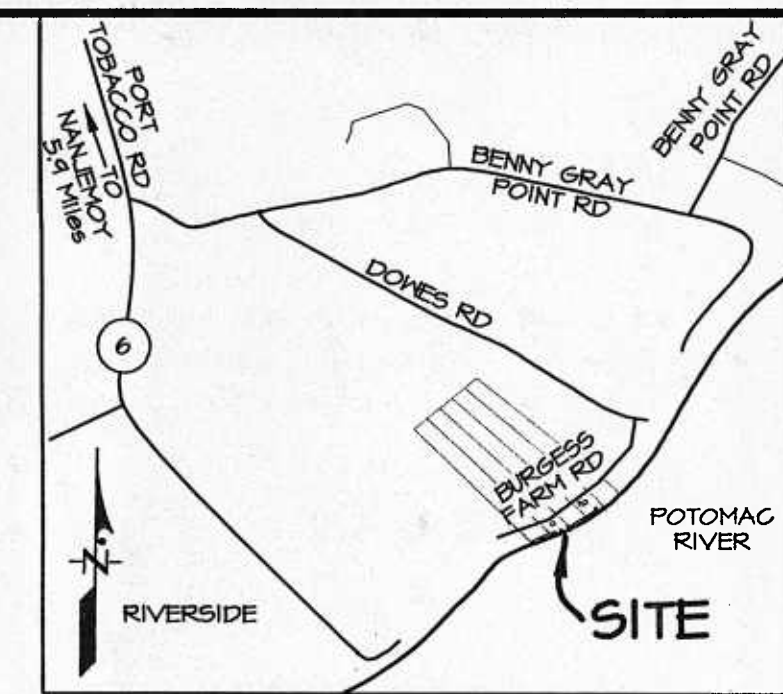
100'

10'

5'

SCE-1

North Arrow



VICINITY MAP
TAX MAP 78, BLOCK 9, PARCELS 4-7
TAX ACCOUNT NUMBER 03-001512, 004244

GENERAL NOTES

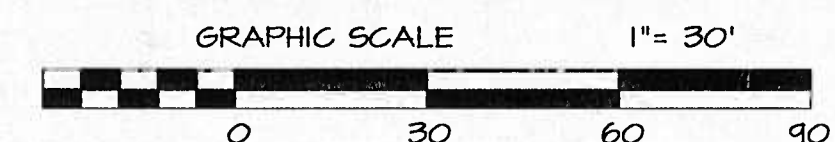
1. All work shall be in accordance with the latest Charles County Department of Planning and Growth Management Standards, and Specifications for Construction Manual-May 1996, the latest Charles County Detail Manual and in accordance with County ordinances.
2. The contractor is responsible for contacting the Charles County Department of Planning and Growth Management/Development Services Division, 24 hours prior to the start of all construction and in accordance with all permits issued at (301) 645-0618.
3. The contractor is responsible for contacting "Miss Utility" 48 hours prior to any excavation work at 1-800-251-7777. The contractor will be responsible for any damage to existing structures or underground utilities.
4. The contractor is responsible for contacting the Maryland Department of the Environment five (5) days prior to the start of work, at (410) 631-3510.
5. Maximum slopes shall be no greater than three (3) feet horizontal to one (1) foot vertical, unless specifically noted on the plan.
6. Certified compaction tests are required for all trench/fill work on site in accordance with Sections 5.3 and 7.4 of the current Charles County Grading and Sediment Control Ordinance. In addition, earthwork shall be placed and compacted to a point at least (3) three feet above the top of the water, sewer, and storm drain lines for construction of, or excavation for the water, sewer, or stormdrain lines and/or in accordance with the latest edition of the Charles County Standards and Specifications for Construction. Final reports and certifications shall be provided prior to the release of bonds.
7. An agency approved copy of these plans shall be on site at all times.
8. This plan has been prepared based on available records, but without the benefit of a title report. There may exist additional easements, encumbrances, rights-of-way, or building restriction lines not shown hereon.
9. All disturbed areas that will not be paved, sodded, or landscaped will be stabilized by topsoiling, seeding, and mulching in accordance with Chapter 6-20 Section III of the Standards and Specifications for sediment/erosion control.
10. All grades, elevations, earth quantities, etc. are to be verified by the contractor. No allowance has been made for unsuitable material encountered during construction. Suitability of soil used in fill areas or stability of cut areas, compactions, etc. should be determined by a professional soils engineer.
11. The contractor has sole responsibility for the construction means, methods, and techniques of executing its work, including safety.
12. Quantities of materials indicated on these plans should be checked by the Contractor prior to installation.
13. Topography shown is two foot contour topography field run by Ben Dyer. Vertical datum is reference to U.S.G.S. Horizontal datum is referenced to MD State Plane 1927.

CRITICAL AREA BUFFER MANAGEMENT NOTES:

1. The lot lies within the Chesapeake Bay Critical Area, Resource Protection Overlay Zone.
2. All grading is wholly within CBCA. All stock pile to be located outside the CBCA buffer.
3. This project complies with the requirement of Chapter 4 of the Chesapeake Bay Critical Area Program, Shore Lines Protection, and provides for nourishment of beach and establishment of water grasses.

BUFFER MANAGEMENT PLAN
PREPARED FOR
ALLEN BURGESS

5TH ELECTION DISTRICT
CHARLES COUNTY, MARYLAND



REVIEW CERTIFICATION

THIS PLAN HAS BEEN REVIEWED FOR THE CHARLES SOIL
CONSERVATION DISTRICT AND MEETS THE TECHNICAL REQUIREMENTS
OF THE DISTRICT.

USDA NATURAL RESOURCES CONSERVATION SERVICE _____ DATE _____

APPROVAL

SED. NO. 17-01 (P-9) IS APPROVED FOR SEDIMENT AND EROSION CONTROL WITH AN EXPIRATION DATE OF

CHARLES SOIL CONSERVATION DISTRICT DATE _____

REQUEST FOR EXTENSION MUST BE SUBMITTED IN WRITING TO THE DISTRICT.

OWNER'S/DEVELOPER'S CERTIFICATION

I/We hereby certify that all clearing, grading, construction and or development will be done pursuant to this plan and that any responsible personnel involved in the construction project will have a certificate of attendance at a Maryland Department of the Environment approved training program for the control of sediment and erosion before beginning the project. I hereby authorize the right of entry for periodic on-site evaluation by State of Maryland, Department of the Environment, Compliance Inspectors.

Date	Owner/Developer Signature
Card No.	Owner's Name

ENGINEER'S CERTIFICATION

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN AND THE SEDIMENT CONTROL PLAN ACCURATELY REFLECT EXISTING FIELD CONDITIONS, SHOWS ALL PROPOSED WORK AND MEETS THE REQUIREMENTS, STANDARDS AND SPECIFICATIONS OF THE CHARLES SOIL CONSERVATION DISTRICT AND THE CHARLES COUNTY DEPARTMENT OF PLANNING GROWTH MANAGEMENT.

William Wesley Tomlinson
Professional Land Surveyor
Maryland No. 10725

ENGINEERS CERTIFICATION

I HEREBY CERTIFY THAT THE DEVELOPMENT PLAN, STORM DRAINAGE/
STORMWATER MANAGEMENT IS IN ACCORDANCE WITH THE STANDARDS AND
SPECIFICATIONS OF THE CHARLES COUNTY DEPARTMENT OF PLANNING AND
GROWTH MANAGEMENT, AND THE CHARLES COUNTY STORMWATER MANAGEMENT
ORDINANCE.

William Wesley Tomlinson
Professional Land Surveyor
Maryland No. 10725



RECEIVED

8-24-07 ARMY CORP OF ENGINEERS COMMENTS &

JAN 6 9 40 AM 2008 LOCATIONS PER FIELD VISIT

DATE	DESCRIPTION
CRITICAL AREA COMMISSION	REVISONS

8578 CHEESAPEAKE STREET, SUITE 237
P.O. BOX 2737, LA PLATA, MARYLAND 20646

  **BEN DYER ASSOCIATES, INC.**
Engineers / Surveyors / Planners
TELEPHONE (301) 763-1695

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DRAWN BY DESIGNED BY CHECKED BY
STJ STJ/MNT WNT

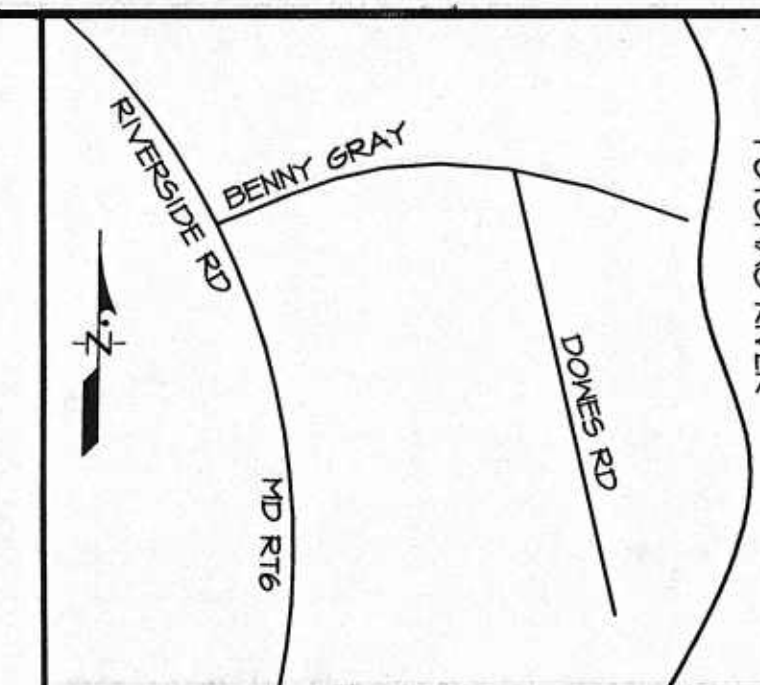
SCALE 1" = 30'

DATE MARCH 2004

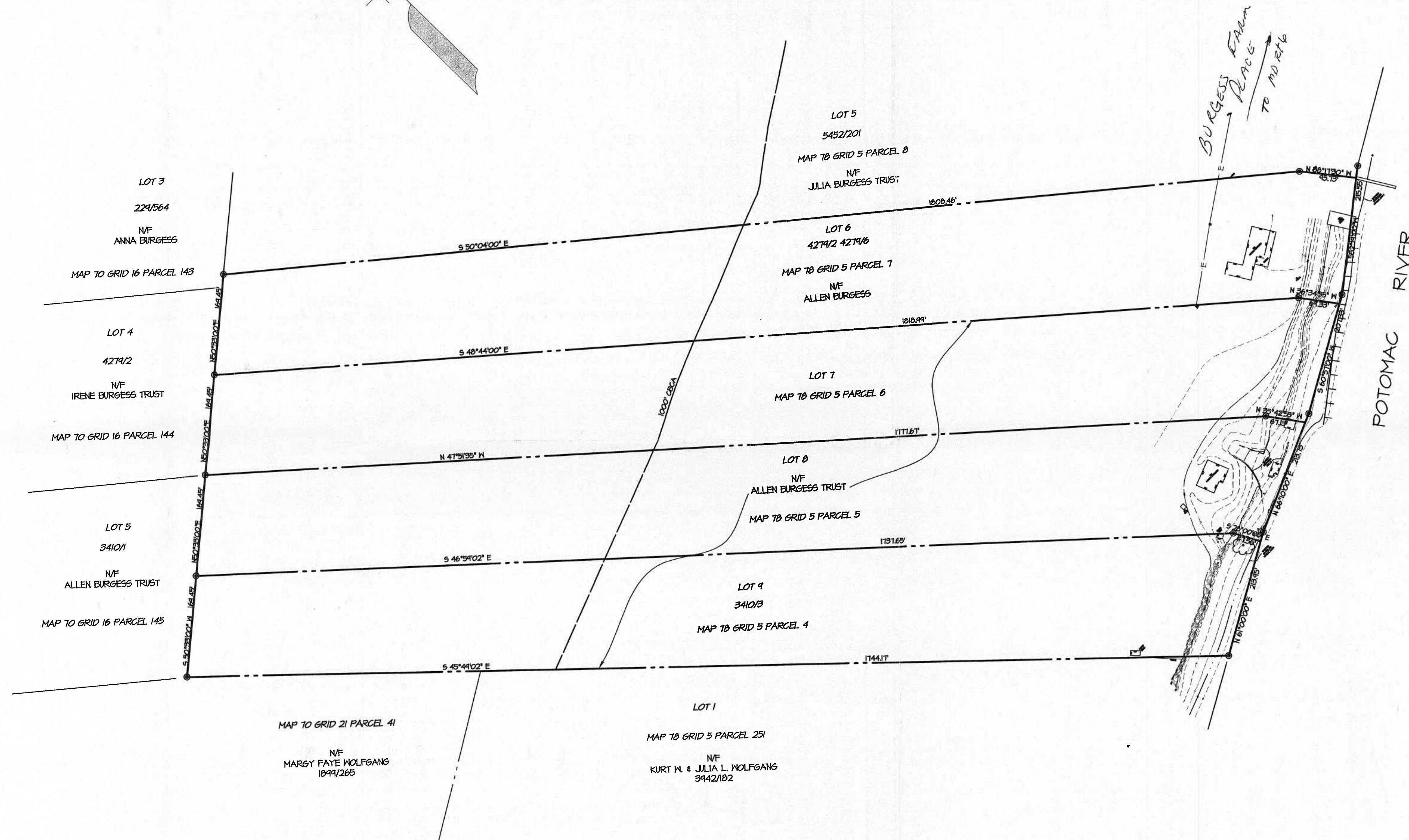
RECORD NO. A-9630

DWG. NO. 6.01.01-Y

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JAN 10 2006
CRITICAL AREA COMMISSION



VICINITY MAP
TAX MAP 78, BLOCK 5, PARCEL 4-7
TAX ACCOUNT NUMBER 03-001512



NOTE:

Total Area outside 1000' CBA = 18.0 AC.
Total Area within 1000' CBA = 7.2 AC.

SITE PLAN
PREPARED FOR
**ALLEN BURGESS &
BURGESS FAMILY TRUST**
5TH ELECTION DISTRICT
CHARLES COUNTY, MARYLAND
GRAPHIC SCALE 1" = 100'
0 100 200 300

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JAN 10 2006
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		8375 CHESAPEAKE STREET, SUITE 227 P.O. BOX 2727, LA PLATA, MARYLAND 20646	
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		DRAWN BY DESIGNED BY CHECKED BY RECORD NO.	
		SCALE 1" = 100'	
DATE		DESCRIPTION	BY
		REVISIONS	
DATE		JANUARY, 2006	DRWG. NO.
			6.02.01-Y